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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
TETSURO MOTOYAMA, ET AL. : EXAMINER: TRAN, M.  
SERIAL NO: 09/393,677 :  
FILED: SEPTEMBER 10, 1999 : GROUP ART UNIT: 2179  
FOR: REMOTE SYSTEM USAGE :  
MONITORING WITH FLEXIBLE OBJECT

REPLY BRIEF

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In reply to the Examiner's Answer of July 31, 2007, Applicants provide the following comments.

Appellants' Appeal Brief filed April 12, 2007, is believed to clearly set forth Appellant's position to the allowability of the claims over the outstanding rejections. However, the outstanding Examiner's Answer sets forth new arguments supporting the outstanding rejection, which are now addressed.

As discussed in detail in the filed Appeal Brief, the primary reference to Boulton, U.S. patent 5,566,291, is directed to a device that allows a user to provide feedback by typing comments into a terminal. The claims as currently written, in contrast to Boulton, recite "automatically starting a monitoring upon start-up of an image forming device without the user directly starting the monitoring program".

As discussed in the Appeal Brief, Applicants submit Boulton teaches away from that claimed feature, and thus Boulton could not have been properly modified to meet that claimed feature.

In addressing those arguments the outstanding Examiner's Answer states:

However, the appellant is incorrect when stating that since the user may activate an entire feedback mode command, the user has to initiate an action to **monitor** the user's feedback. The examiner respectfully disagrees because the step of activating an enter feedback mode command is totally different than the step of monitoring the user's feedback.

Applicant's attention is directed to column 4, lines 20-25 that recite **"the step of recording in the feedback record the time at which the feedback is made"**. It is clear that the feedback is recorded at the time the feedback is made. The step of recording this feedback does not require a user's action to start a recording program. When the user types his/her commands (being considered as "plurality of operations by the user" as claimed in the claim language), the system automatically starts to record the commands without any user's action to initiate the recording system.

Since Boulton teaches recording the feedback record at the time at which the feedback is made, Boulton inherently teaches monitoring the feedback at the time at which the feedback is made. Although Boulton does not clearly recite the step of automatically monitoring the feedback without user's action, Boulton discloses at column 4, lines 20-25 "the method may also include **the step of recording in the feedback record the time at which the feedback is made.**" Further, the appellant is incorrect when stating that since the user may activate an entire feedback mode command, the user has to initiate an action to **monitor** the user's feedback.<sup>1</sup>

The above-noted grounds for rejection is improper as it is not even directed to what the rejection itself indicates is "feedback" in Boulton.

The outstanding rejection cites Boulton to describe selecting a plurality of operations of the interface of the user at column 4, lines 15-30, which is directed to the user entering a feedback mode and typing feedback comments. The outstanding rejection thus indicates that typing the comments by the user corresponds to "selecting of the plurality of operations of

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<sup>1</sup> Examiner's Answer, page 7, (original emphasis).

the interface by the user". Therefore, in Boulton the feedback provided itself is the user typing in comments.

The above-noted statements supporting the rejection now appear to cite a completely different feature in Boulton as directed to the feedback, namely "recording the time at which the feedback is made", which is automatically made in Boulton. However, such a time, which may be automatically recorded in Boulton, does not at all result from "monitoring data of selecting of the plurality of operations of the operation panel by the user".

The claims are directed to automatically starting a monitoring of the operations on an operation panel selected by a user. In Boulton that corresponds to the user typing in feedback comments. Clearly such a user typing in such feedback comments is *not automatically* started in Boulton. Further, merely recording the time at which the feedback is made, even if automatic in Boulton, is not directed to the claimed features.

The above-noted statement in the rejection that "Boulton inherently teaches monitoring the feedback at the time at which the feedback is made" is also not at all understood with respect to the claims as written. The claims recite monitoring the selecting of the plurality of operations of the operation panel, and do not recite monitoring the time at which feedback is made.

In such ways, the above-noted basis for maintaining the rejection based on Boulton is clearly improper.

Appellants' Appeal Brief also presented arguments that the teachings in Varga, U.S. patent 6,181,981 are not properly combinable with Boulton as they are directed to a completely and unrelated device than in Boulton. With respect to those arguments the outstanding Examiner's Answer states:

Examiner respectfully disagrees because Varga is a vending machine which is programmed by a computer processor. So, the vending machines is a computer system. Although Varga is an electronic device, it is also the computer system. Since, the vending machine is a computer device, the teachings of Varga

are applicable to any computer device such as the computer device of the Boulton's system. The appellant is incorrect to state that Vargar's vending machine is completely unrelated to the device of Boulton.

Varga teaches a method and apparatus for providing a self-monitoring vending machine with remote network communication and a process for analyzing information. Both systems teach a monitoring program which monitors user's selection. Therefore, the appellant is incorrect to state that **Varga is completely unrelated to the device of Boulton.**<sup>2</sup>

In reply to that grounds for rejection applicants respectfully submit it clearly cannot be the case that every computer system is related to every computer system when the combination of teachings is not even directed to the computer aspects. That is, the outstanding rejection appears to indicate Varga is related to Boulton as Boulton and Varga are directed to computer systems. However, the outstanding rejection is not citing the teachings in Varga with respect to the computer features, but instead to a "self-monitoring vending machine" operation. Such a self-monitoring vending machine operation in Varga is completely unrelated to the device of Boulton that *requires* user input for monitoring. In that respect the outstanding grounds for rejection is clearly improper.

In view of the further foregoing comments, applicants respectfully submit the outstanding rejection based on Boulton in view of Varga is improper and must be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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<sup>2</sup> Examiner's Answer, page 8 (original emphasis).